IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 55360-M of 2006

DATE OF DECISION : 12.09.2006

Kanta Mehngi

.... PETITIONER

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. K.S. Sidhu, Advocate, for the petitioner.

* * *

Petitioner Kanta Mehngi has filed this petition under Section 439 (2) read with Section 482 of the Code of Criminal Procedure for cancellation of bail granted to respondent No.2 vide order dated 27.5.2006, passed by Sessions Judge, Gurdaspur, in case FIR No. 2 dated 8.1.2006 under Section 302 IPC registered at Police Station G.R.P. Pathankot, while observing as under :-

> "6. Admittedly occurrence had taken place on 31.12.2005 whereas FIR was registered on 8.1.2006. Dead body of the deceased was recovered while lying near the railway track. As per complaint, deceased was taken away by the accused on 31.12.2005. After recovery of dead body, report should have been lodged that deceased was taken away by the accused on 31.12.2005. On 3.1.2006 accused had made extra judicial confession before Ved Pal. Name of the accused was known to the complainant on 3.1.2006 but report was not lodged. Statement of Ved Pal is dated 9.1.2006. As per story deceased was last time seen in the company of the accused. This fact is clear from the statement of Sunny Mehmi, Ashok Kumar and Om Parkash but their statements are dated 8.1.2006 and 9.1.2006. In inquest proceedings statement of Om Parkash and Ashok Kumar were recorded but as per their statements, death is in rail accident."

After hearing counsel for the petitioner and keeping in view the aforesaid facts recorded in the impugned order, I do not find any ground to cancel the bail granted to respondent No.2.

Dismissed.

September 12, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**